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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,815	09/07/2000	Alan F. Rodriguez JR.	B-68149(014354/0004	1848

33649 7590 11/03/2004

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EXAMINER
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COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/656,815

**Applicant(s)**

RODRIGUEZ ET AL.

**Examiner**

Ella Colbert

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 9-28 are pending. Claims 9, 10, and 17 are pending in this communication filed 07/26/04 entered as Response.
2. The Change in Power of Attorney and the Notice of Acceptance has been entered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 5,448,047) Nair et al, hereafter Nair.

Claim 9. Nair teaches, An apparatus for transmitting credit transaction data over a communications medium comprising: a protocol translator receiving the credit transaction data from two or more point of sale systems according to two or more different transmission protocols each transmission protocol associated with a different credit authorization system, and forming a credit transaction data message (col. 4, line 13-col. 5, line 2 and col. 11, lines 27-47); and an encryption system coupled to the protocol translator, the encryption system receiving the credit transaction data message from the protocol translator and encrypting the credit transaction data message. (col. 5, line 60 – col. 6, line 38).

Claim 10. Nair teaches, The apparatus of claim 9 further comprising a device roister coupled to the protocol translator, the device roister transmitting authorization data received in response to the credit transaction data message to the one or more point of sale systems (col. 6, line 39 –col. 7, line 29).

Claim 11. Nair teaches, The apparatus of claim 9 further comprising a management system interface coupled to the protocol translator, the management system interface storing a protocol module to the protocol system (col. 7, lines 7-36 and lines 49-63 and fig. 15 (62, 1010, 1020, 1030, 1035, and 1040)).

Claim 17. Nair teaches, A method for controlling the transmission of credit transaction data comprising: transmitting one or more control messages to a remote hub, each control message adapted for one of two or more different point of sale devices (col. 4, lines 20-44 and lines 54-60); processing the control message at the remote hub (col. 4, line 61-col. 5, line 16); and performing a control function on one of two or more point of sale devices that read credit card data from a magnetic stripe of a credit card at the remote hub in response to the control message if the control message is adapted for the point of sale device (col. 5, lines 16-29 and fig. 2B and fig. 15).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-16 and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,448,047) Nair et al, hereafter Nair in view of (US 6,163,772) Kramer et al, hereafter Kramer.

Claim 12. Nair failed to teach, The apparatus of claim 9 further comprising a management system interface coupled to the encryption system, the management system interface storing an encryption module to the encryption system. Kramer teaches, a management system interface coupled to the encryption system, the management system interface storing an encryption module to the encryption system (col. 13, lines 43-58, col. 14, line 34-col. 17, line 36, col. 23, lines 47-67 and fig. 1A –1C and fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a management system interface coupled to the encryption system, the management system interface storing an encryption module to the encryption system and to modify in Nair because such a modification would allow Nair to have a secure communication protocol with a payment gateway computer that provides electronic commerce services to support a financial institution such as a bank that interfaces to the financial institution to support the authorization and capture of transactions.

Claim 13. Nair teaches, A method for transmitting credit transaction data over a communications medium comprising; receiving credit transaction data from two or more point of sale devices, each reading credit card data from a magnetic stripe of a credit card (col. 4, lines 13-44); determining a point-of-sale device data transmission protocol to use to assemble the credit transaction data into an authorization request (col. 4, lines

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45-67, col. 5, lines 1-29 and lines 60-67, and col. 6, lines 1-21) determining which of two or more authorization systems is the appropriate authorization system to provide the authorization request to (col. 11, lines 3-26); and transmitting the authorization request to the appropriate authorization system (col. 11, lines 27-47).

Nair failed to teach, encrypting the authorization request; transmitting the encrypted authorization request over the communications medium; decrypting the encrypted authorization request. Kramer teaches, encrypting the authorization request (col. 18, line 45-col. 19, line 4); transmitting the encrypted authorization request over the communications medium (col. 19, lines 33-41 and col. 20, lines 21-30); and decrypting the encrypted authorization request (col. 21, line 62-col. 22, line 8 and fig. 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to encrypt the authorization request; transmit the encrypted authorization request over the communications medium; and decrypt the encrypted authorization request and to modify in Nair because such a modification would allow Nair to include authorization and encryption public key that appends to the combination of the combined basic authorization request and the public key.

Claim 14. Nair failed to teach, The method of claim 13 wherein receiving the credit transaction data from the point of sale device comprises receiving the credit transaction data in accordance with one or more of an ISO 8583 protocol or a Visa-K protocol. Kramer teaches, receiving the credit transaction data from the point of sale device comprises receiving the credit transaction data in accordance with one or more of an ISO 8583 protocol or a Visa-K protocol (col. 18, line 27-col. 19, line 65, col. 28,

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lines 21-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive receiving the credit transaction data from the point of sale device comprises receiving the credit transaction data in accordance with one or more of an ISO 8583 protocol or a Visa-K protocol and to modify in Nair because such a modification would allow Nair to have a payment protocol request packet (e.g., an SSL-encapsulated ISO 8583 packet) before sending the request to a gateway.

Claim 15. Nair failed to teach, The method of claim 13 wherein encrypting the authorization request comprises encrypting the credit transaction data using an encryption module received from a hub manager. Kramer teaches, wherein encrypting the authorization request comprises encrypting the credit transaction data using an encryption module received from a hub manager (col. 28, lines 11-38 and fig. 15A – 15B). It would have been obvious to one having ordinary skill in the art at the time the invention was made to encrypt the authorization request to comprise encrypting the credit transaction data using an encryption module received from a hub manager and to modify in Nair because such a modification would allow Nair to have an Authorization/Data Capture Module to process the requests originated by the merchant to the consumer and to route them to a Protocol Module.

Claim 16. Nair failed to teach, The method of claim 13 wherein transmitting the encrypted authorization request over the communications medium comprises transmitting the encrypted data in an HTTP format. Kramer teaches, transmitting the encrypted authorization request over the communications medium comprises transmitting the encrypted data in an HTTP format (col. 12, lines 14-38 and col. 18, line

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45-col. 19, line 41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the encrypted authorization request over the communications medium to comprise transmitting the encrypted data in an HTTP format and to modify in Nair because such a modification would allow Nair to utilize well-known Hypertext Markup Language (HTML) to implement documents on the Internet together with a general-purpose secure communication protocol (HTTP-HyperText Transfer Protocol) for a transport medium between the client and the merchant.

Claim 18. Nair failed to teach, The method of claim 17 wherein performing the control function at the remote hub in response to the control message comprises transmitting status data far the remote hub. Kramer teaches, performing the control function at the remote hub in response to the control message comprises transmitting status data far the remote hub (col. 24, lines 3-10 and figs. 12 A and 12B). It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform the control function at the remote hub in response to the control message comprises transmitting status data far the remote hub and to modify in Nair because such a modification would allow Nair to have the stages of processing a payment capture request and generate and transmit a payment capture request response.

Claim 19. Nair teaches, The method of claim 17 wherein performing the control function at the remote hub in response to the control message comprises transmitting



status data for one or more point of sale devices connected to the remote hub (col. 11, lines 14-47 and fig. 2B).

Claim 20. Nair teaches, The method of claim 17 wherein performing the control function at the remote hub in response to the control message comprises updating the remote hub with a protocol module to accommodate a new point of sale device (col. 11, line 48-col. 12, line 6 and fig. 2C).

Claim 21. Nair failed to teach, The method of claim t 7 wherein performing the control function at the remote hub in response to the control message comprises updating the remote hub with an encryption module. Kramer teaches, performing the control function at the remote hub in response to the control message comprises updating the remote hub with an encryption module (col. 18, lines 45-66 and col. 20, lines 21-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform the control function at the remote hub in response to the control message comprises updating the remote hub with an encryption module and to modify in Nair because such a modification would allow Nair to have a customer-merchant general-purpose secure communication protocol that depicts a basic authorization request.

Claim 22. Nair teaches, A system for transmitting credit transaction data comprising: two or more point-of-sale systems, each point-of-sale system using a proprietary data format to read credit card data from a magnetic stripe of a credit card and generate credit transaction data (col. 4, line 13-col. 5, line 2 and col. 11, lines 27-47). Nair failed to teach, a remote hub system coupled to a communications medium,

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the remote hub system receiving the credit transaction data from one or more point of sale systems, translating the credit transaction data from the proprietary data format to a predetermined data format, encrypting the translated credit transaction data, and transmitting the translated encrypted credit transaction data over the communications medium; and a gateway system coupled to the communications medium, the gateway system receiving the encrypted translated credit transaction data, decrypting the encrypted translated credit transaction data, and transmitting the translated credit transaction data to an authorization system. Kramer teaches, a remote hub system coupled to a communications medium, the remote hub system receiving the credit transaction data from one or more point of sale systems, translating the credit transaction data from the proprietary data format to a predetermined data format, encrypting the translated credit transaction data, and transmitting the translated encrypted credit transaction data over the communications medium (col. 24, lines 3-46, fig. 12A, and fig. 12B); and a gateway system coupled to the communications medium, the gateway system receiving the encrypted translated credit transaction data, decrypting the encrypted translated credit transaction data, and transmitting the translated credit transaction data to an authorization system (col. 13, lines 42-58, col. 16, lines 59-65, and fig. 49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a remote hub system coupled to a communications medium, the remote hub system receiving the credit transaction data from one or more point of sale systems, translating the credit transaction data from the proprietary data format to a predetermined data format, encrypting the translated credit

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transaction data, and transmitting the translated encrypted credit transaction data over the communications medium; and a gateway system coupled to the communications medium, the gateway system receiving the encrypted translated credit transaction data, decrypting the encrypted translated credit transaction data, and transmitting the translated credit transaction data to an authorization system and to modify in Nair because such a modification would allow Nair to have a secure general-purpose communication protocol such as the SSL protocol.

Claim 23. Nair failed to teach, The system of claim 22 further comprising: a first authorization system coupled to the gateway system; a second authorization system coupled to the gateway system; and wherein the gateway system transmits the credit transaction data to the first or second authorization system based upon the translated credit transaction data. Kramer teaches, a first authorization system coupled to the gateway system; a second authorization system coupled to the gateway system; and wherein the gateway system transmits the credit transaction data to the first or second authorization system based upon the translated credit transaction data (col. 19, lines 45-65, col. 20, lines 7-30 and lines 45-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a first authorization system coupled to the gateway system; a second authorization system coupled to the gateway system; and wherein the gateway system transmits the credit transaction data to the first or second authorization system based upon the translated credit transaction data and to modify in Nair because such a modification would allow Nair to secure

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payment authorization system for processing a payment authorization request and generating and transmitting a payment authorization response.

Claim 24. Nair teaches, The system of claim 22 wherein the remote hub system further comprises a protocol translator receiving the credit transaction data from each of the one or more point of sale systems according to the proprietary data format associated with each point of sale system (col. 4, line 45 –col. 5, line 16).

Claim 25. Nair failed to teach, The system of claim 22 wherein the remote hub system further comprises an update system receiving an encryption update and installing the encryption update on the remote hub system. Kramer teaches, wherein the remote hub system further comprises an update system receiving an encryption update and installing the encryption update on the remote hub system (col. 21, line 62–col. 22, line 17 and lines 47-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the remote hub system further comprise an update system receiving an encryption update and installing the encryption update on the remote hub system and to modify in Nair because such a modification would allow Nair to have a private key to encrypt a payment authorization response and a merchant authorization response thereby encrypting and obtaining a cleartext version of the random key.

Claim 26, Nair failed to teach, The system of claim 22 wherein the remote hub system further comprises an update system receiving an encryption update and installing the encryption update on one or more of the point-of-sale systems. Kramer teaches, wherein the remote hub system further comprises an update system receiving

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an encryption update and installing the encryption update on one or more of the point-of-sale systems (col. 21, lines 1-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a remote hub system further comprises an update system receiving an encryption update and installing the encryption update on one or more of the point-of-sale systems and to modify in Nair because such a modification would allow Nair to have a payment gateway computer system that encrypts using a random key encryption key forming and encrypted combined block.

Claim 27. Nair failed to teach, The system of claim 22 wherein the point-of-sale systems include one or more pre-existing point of sale systems that are configured to communicate using a public switched telephone network telephone line. Kramer teaches, wherein the point-of-sale systems include one or more pre-existing point of sale systems that are configured to communicate using a public switched telephone network telephone line (col. 20, lines 21-30 and col. 27, lines 9-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the point-of-sale systems include one or more pre-existing point of sale systems that are configured to communicate using a public switched telephone network telephone line and to modify in Nair because such a modification would allow Nair to have a secure means such as a direct-dial modem-to-modem connection or a proprietary internal network that is not accessible to third parties.

Claim 28. Nair failed to teach, The system of claim 27 further comprising a telephone backup system coupled to one or more of the point of sale systems and the

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hub, wherein the hub uses the telephone backup system when the communications medium is unavailable. Kramer teaches, comprising a telephone backup system coupled to one or more of the point of sale systems and the hub, wherein the hub uses the telephone backup system when the communications medium is unavailable (col. 29, line 1-col. 30, line 32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a telephone backup system coupled to one or more of the point of sale systems and the hub, wherein the hub uses the telephone backup system when the communications medium is unavailable and to modify in Nair because such a modification would allow Nair to have a secure means such as a direct-dial modem-to-modem connection or a proprietary internal network that is not accessible to third parties and a backup system in the event of a systems failure.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thomas (US 6,064,988) disclosed authorizing transactions between a transaction card user and a merchant.

Haun (US 4,843,220) disclosed a point of sale terminal employing a magnetic stripe.

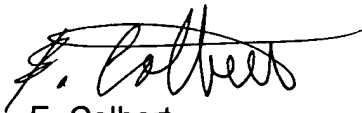
### ***Inquiries***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. Colbert", with a long horizontal flourish extending to the right.

E. Colbert  
November 1, 2004